

## REMARKS

In response to the above-identified Final Office Action, the Applicants submit the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks.

The Examiner rejected claims 1-3, 8-10 and 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,794,221 (hereinafter Egendorf) in view of U.S. Patent 6,016,484 (hereinafter Williams). The Examiner also rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Egendorf in view of Williams and further in view of U.S. Patent 6,049,785 (hereinafter Gifford). In addition, the Examiner rejected claim 5-6 and 11 under 35 U.S.C. 103(a) as being unpatentable over Egendorf in view of Williams and further in view of U.S. Patent 5,978,780 (hereinafter Watson). The Examiner rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Egendorf in view of Williams and further in view of a press release entitled “eBay’s Deal with Wells Fargo Allows Sellers to Accept Credit” authored by J. Tessler (hereinafter Tessler).

Neither references alone, nor the combination of the cited references, teach or suggest all limitations of claim 1, or the other independent claims of the present application. The Applicant’s arguments shall be presented with respect to claim 1. However, these comments are applicable to the other independent claims of the present application, and the Examiner is respectfully requested to consider these comments and remarks when reviewing the other independent claims for allowability.

Egendorf does not disclose communicating information to a first participant that identifies a plurality of payment instruments available for processing online payment transactions in the network-based transaction facility; receiving payment option information from the first participant indicating a willingness of the first participant to accept payments from a second participant via at least one of the plurality of payment instruments; accepting personal billing information concerning the payment instrument

selected by the second participant from the at least one payment instrument acceptable by the first participant, the personal billing information being accepted to facilitate an online payment transaction between the first participant and the second participant.

Egendorf discloses an internet billing method wherein an agreement between a customer and an Internet access provider is established and an agreement between the Internet access provider and a vendor is established (see Abstract). The agreement between the provider and the customer provides that the provider will bill the customer for goods and services purchased by the customers from vendors over the Internet (Column 5, lines 1-4). The agreement between the provider and the vendor provides the remitting account information specifying a particular vendor account to which a portion of the amount billed to the client's account, i.e., customer's account, by the provider is deposited (Column 6, lines 52-55). Thus, the provider may accept payments from the client for the purchases made over the Internet in a variety of forms acceptable to the provider and then deposit the portion of the transaction amount into a vendor account specified in the agreement between the provider and the vendor. The manner in which the payment is made by the client to the provider is neither dependent nor related to the payment made by the provider to the vendor. In other words, in the Egendorf method vendors are not concerned with the payment option chosen by the client in order to pay for the transaction.

Moreover, in regards to the interaction between the provider and the client, Egendorf does not disclose that the provider indicates which payment instruments are acceptable prior to the client providing the billing account information to the provider.

In regards to the interaction between the provider and the vendor, no billing information is submitted by the provider to the vendor concerning a payment instrument. Moreover, the provider does not select any payment options, the provider simply remits the portion of the transaction amount into the account that is either specified in the

agreement between the provider and the vendor or is identified by the vendor during the communication of the transactional information (Column 6, lines 52-67).

Furthermore, the transactional information that is exchanged between the vendor and the client is not concerning any payment instrument selected by the client because there is no financial relationship between the client and the vendor (Column 5, lines 20-29). In Egendorf the financial relationship exists between the provider and the client, and between the provider and the vendor.

Therefore, Egendorf does not disclose communicating information to a first participant identifying a plurality of payment instruments available for processing online payment transactions in the network-based transaction facility; receiving payment option from the first participant indicating a willingness of the first participant to accept payments from a second participant via at least one of the plurality of payment instruments; accepting personal billing information concerning a payment instrument selected by the second participant from the at least one payment instrument accepted by the first user, the personal billing information being accepted to facilitate an online payment transaction between the first participant and the second participant.

None of the other cited references are relied on by the Examiner to invalidate elements of communicating information to a first participant identifying a plurality of payment instruments available for processing online payment transactions in the network-based transaction facility; receiving payment option information from the first participant indicating a willingness of the first participant to accept payments from a second participant via at least one of the plurality of payment instruments; receiving data identifying a payment instrument selected by the second participant from the at least one payment instrument acceptable to the first participant; accepting personal billing information concerning a payment instrument selected by the second participant from the at least one of the plurality of payment instruments, the personal billing information being accepted to facilitate an online payment transaction between the first participant

and the second participant because neither of the cited references disclose these elements of the claims.

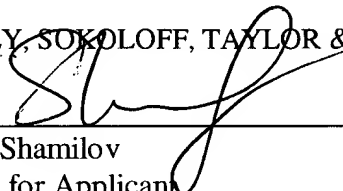
The Applicants submit that the rejections 35 U.S.C. 103 (a) have been addressed, and withdrawal of these rejections is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then the Applicants hereby request such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 2/20, 2002

  
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Saina S. Shamilov  
Attorney for Applicant  
Reg. No. 48,266

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720 - 8300

## MARKED UP VERSION OF THE CLAIMS

1. (Amended) A method for facilitating online payment transactions between participants in a network-based transaction facility, the method comprising:

communicating [user interface] information to a first participant via a communications network, the [user interface] information identifying a plurality of payment instruments available for processing online payment transactions in the network-based transaction facility;

receiving payment option information from the first participant via the communications network, the payment option information indicating a willingness of the first participant to accept payments from a second participant via at least one of the plurality of payment instruments;

[passing] communicating the payment option information to the second participant via the communications network; and

accepting personal billing information concerning a payment instrument selected by the second participant from the at least one [of the plurality of] payment [instruments] instrument acceptable to the first participant, the personal billing information being accepted via the communications network to facilitate an online payment transaction between the first participant and the second participant.

13. (Amended) A system for facilitating online payment transactions between participants in a network-based transaction facility, the system comprising:

the network-based transaction facility to implement a transaction system that facilitates business transactions between a user and a further user;

a client, coupled to the network-based transaction facility, to present [user interface] information identifying a plurality of payment instruments available for processing online payment transactions pertaining to corresponding business transactions and to communicate payment option information of the user over a communications network, the payment option information indicating a willingness of the user to accept a payment from the further user via at least one of the plurality of payment instruments; and

an online payment service, coupled to the network-based transaction facility and the client via the communications network, to receive the payment option information from the client, to make the payment option information available to the further user via the communications network, to enable the further user to select a preferred payment instrument from the at least one of the payment instruments acceptable to the user, and to accept personal billing information concerning the preferred payment instrument from the further user via the communications network.

25. (Amended) A [computer-readable] machine-readable medium comprising instructions, which when executed on a [processor] machine, cause the [processor] machine to perform a method for facilitating online payment transactions between participants in a network-based transaction facility, the method comprising:

communicating [user interface] information to a first participant via a communications network, the [user interface] information identifying a plurality of payment instruments available for processing online payment transactions in the network-based transaction facility;

receiving payment option information from the first participant via the communications network, the payment option information indicating a willingness of the first participant to accept payments from a second participant via at least one of the plurality of payment instruments;

[passing] communicating the payment option information on the second participant via the communications network; and

accepting personal billing information concerning a payment instrument selected by the second participant from the at least one [of the plurality of] payment [instruments] instrument acceptable to the first participant, the personal billing information being accepted via the communications network to facilitate an online payment transaction between the first participant and the second participant.